

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

MICHAEL SCOTT PIETILA,

Plaintiff,

v.

JEREMY WESTRA, GRANT ROPER,
BRIAN SCHMIDT, ANN YORK,
JACOB ARONSON, and MICHAEL
CLARK,

Defendants.

Case No. 17-CV-1587-JPS

ORDER

On June 13, 2018, the Court dismissed this action because Plaintiff had not exhausted his administrative remedies as required by law. (Docket #27). Three months later, Plaintiff filed a motion for “amendment and refiling” of the complaint in this matter. (Docket #29). Plaintiff suggests that he has now properly exhausted his administrative remedies. *Id.* The motion must be denied. As the Court explained in the order dismissing the case:

Exhaustion is a precondition to suit; a prisoner cannot file an action prior to exhausting his administrative remedies or in anticipation that they will soon be exhausted. *Hernandez v. Dart*, 814 F.3d 836, 841–42 (7th Cir. 2016); *Ford v. Johnson*, 362 F.3d 395, 398 (7th Cir. 2004). A lawsuit must be dismissed even if the prisoner exhausts his administrative remedies during its pendency. *Ford*, 362 F.3d at 398.

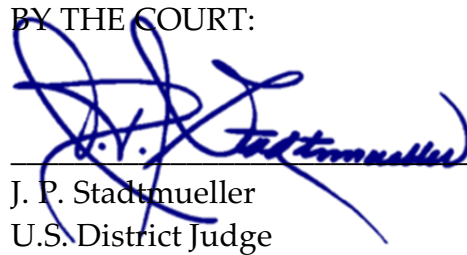
(Docket #27 at 5). This case is over and cannot be revived even if Plaintiff is correct that his administrative remedies are now exhausted. If Plaintiff wants to continue his pursuit of these claims, he must file a new action.

Accordingly,

IT IS ORDERED that Plaintiff's motion for amendment and re-filing (Docket #29) be and the same is hereby **DENIED**.

Dated at Milwaukee, Wisconsin, this 11th day of September, 2018.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge